

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUDY A. EMMENDORFER,

Plaintiff,

v.

Case Number 20-10123

Honorable David M. Lawson

Magistrate Judge Elizabeth A. Stafford

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, AND REMANDING CASE**

Presently before the Court is the report issued on February 16, 2021 by Magistrate Judge Elizabeth A. Stafford pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the plaintiff's motion for summary judgment, deny the Commissioner's motion for summary judgment, and remand the case pursuant to sentence four of 42 U.S.C. § 405(g). Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 18) is **ADOPTED**.

It is further **ORDERED** that Emmendorfer's motion for summary judgment (ECF No. 13) is **GRANTED**.

It is further **ORDERED** that the Commissioner's motion for summary judgment (ECF No. 16) is **DENIED**.

It is further **ORDERED** that the case be **REMANDED** for an award of benefits under sentence four of 42 U.S.C. § 405(g).

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 5, 2021